

Douglas D. Phelps
Phelps & Associates, P.S.
2903 N. Stout Road
Spokane, WA 99206
Phone: (509)892-0467
Fax: (509)921-0802

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
)	Case No. 2:21-cr-0091-TOR(1)
Plaintiff)	
)	DEFENDANT'S SENTENCING
vs.)	MEMORANDUM
)	
ANTOINETTE JAMES HOLMES,)	
)	
Defendant.)	(FILE UNDER SEAL)
)	

TO: HONORABLE JUDGE THOMAS O. RICE, District Court Judge
MICHAEL ELLIS, Assistant United States Attorney
JENNIFER FRIELING, United States Probation Officer

COMES NOW the Defendant, ANTOINETTE JAMES HOLMES, by and
through his attorney, Douglas D. Phelps of Phelps & Associates, P.S., and submits
the following sentencing memorandum:

I. STATUS OF THE CASE

On July 20, 2021, Mr. Antoine James Holmes was named in a five (5) count indictment with Count 1, Conspiracy to Distribute Fentanyl, in violation of 21 U.S.C. §841(a)(1), (b)(1)(c) and 846; Counts 2 and 4, Possession with Intent to Distribute Fentanyl, in violation of 21 U.S.C. §841 (a)(1), (b)(1)(c); and Counts 3 and 5, Felon in Possession of Firearm, in violation of 18 U.S.C. §922(g)(1) and 924(a)(2). The indictment included forfeiture allegations. Mr. Holmes was in custody in the United States District of Idaho and a warrant was issued. On March 8, 2022, the defendant pled guilty to Count I of the Indictment.

II. FACTS AND OBJECTIONS TO PRESENTENCE REPORT

Mr. Antoine James Holmes filed his objections and corrections to the presentence investigation report on June 8, 2022. (ECR 89) In a second review of the presentence investigation report and after further discussion with the defendant, it appears the criminal history has been overstated by one (1) point due to the addition of one (1) point where the defendant was granted a withheld judgment and the charges were ultimately dismissed by the Idaho State District Court consistent with § 4A 1.3. This would

properly result in a criminal history category of one (1) rather than two (2).
(See Order of Dismissal, attached hereto as Exhibit A) Additionally, a state
case in Bonner County Idaho, which was in warrant has been dismissed.
(See Order of Dismissal, attached hereto as Exhibit B)

III. PLEA AGREEMENT

Mr. Antoine James Holmes entered into a plea agreement on April
7, 2022. (ECR 40) Mr. Antoine James Holmes requests the court
sentence him to a sentence of 120 months based upon the above noted facts,
his substantial assistance § 5K 1.1., and requests this sentence by
concurrent with his Idaho sentence in U.S. District of Idaho Case No.: 2:21-
cr-00116-BLW(1).

IV. MOTION FOR VARIANCE

Mr. Antoine James Holmes moves the court for variance from the
guideline range and mandatory minimum sentence of 240 months. The
defendant requests that the court consider a variance in the prison sentence
based upon his cooperation, the addiction of the defendant resulting from
the prescription use of prescribed pain medication, and the remorse he

1 demonstrated in his cooperation to help in eliminating the fentanyl
2 distribution in Idaho and Washington.
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5 V. ADJUSTED OFFENSE LEVEL

6 United States Probation has calculated the base offense level of 37
7 and a criminal history category of I, with a guideline range of 210 to 262
8 months. The defense believes the guideline range with an offense level of
9 35 and criminal history category of I would be a range of 210 to 240
10 months. The defendant acknowledges the mandatory minimum without a
11 § 5K.1.1 substantial assistance would be 240 months.
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16 VI. THE DEFENSE RECOMMENDATION

17 In evaluating 28 U.S.C. Section 3553, Mr. Antoine James Holmes
18 respectfully requests the Court consider these factors as they apply to him,
19 and sentence him to the 120-month sentence followed by a lengthy period
20 of supervised probation.
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23 The defendant submits that this is a reasonable sentence in
24 consideration of all the sentencing factors set forth in 18 U.S.C. § 3553 (a)
25 (2). As the court is aware, in *United States v. Booker*, 125 S. Ct. 738 (2005)
26 the United States Supreme Court restored to sentencing judges the power to
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1 use their discretion in determining an appropriate sentence. Indeed, the
2 court must set forth a record that there has been consideration of the § 3553
3 (a) factors at sentencing. *Rita v. United States*, 551 U.S. 338, 351, 127 S.
4 Ct. 2456, 168 L. Ed. 2d. 303 (2007).

6 In *Rita v. United States*, 127 S. Ct. 2456, 2473 (2007), Justice
7 Stevens and Ginsburg, concurring, held: “The Commission has not
8 developed any standards or recommendations that affect sentencing ranges
9 for many individual characteristics. Matters such as age, education, mental
10 or emotional condition (including drug or alcohol addiction), employment
11 history, lack of guidance as a youth, family ties, or military, civil, charitable
12 or public service are not ordinarily considered under the guidelines. See
13 U.S.S.G. Manual §§ 5H 1.1-6, 11 and 12 (Nov 2006). These are, however,
14 matters that § 3553 (a) authorizes the sentencing judge to consider. See,
15 e.g. 18 U.S.C. §3553 (a) (1).”

20 The District Court is to “impose a sentence sufficient, but not greater
21 than necessary, to adhere to the goals of sentencing.” *Kinbrough v. United*
22 *States*, 128 S. Ct. 558, 570 (2007) “The guidelines are not mandatory on
23 sentencing courts; they are also not to be presumed reasonable.” *Nelson v.*
24 *United States*, 129 S. Ct. 890, 892 (2009); 18 U.S.C. § 3553 (a) paragraph
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1 Mr. Antoine James Holmes requests the court consider that he grew
2 up primarily on the Spokane Indian Reservation. That he suffered serious
3 bodily injury and head injury after falling from a roof. Subsequently, he
4 was treated with multiple surgeries and with opiate pain medications, which
5 led to his addiction to opiates. Medical evidence documents that Antoine
6 James Holmes suffered from a closed head injury and serious physical
7 injury. Such injuries will often lead to poor impulse control and poor
8 decision making by those who sustain such injuries, particularly when
9 combined with opiate addiction.
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13 Mr. Antoine James Holmes dealt with opiate addiction that brought
14 him into repeated contacts with law enforcement and the courts. The
15 defendant recognizes that he would benefit from drug treatment. Further,
16 he would benefit from occupational training, as he would like to become a
17 welder and become a proficient auto repair technician. He requests that he
18 be given an opportunity for drug treatment in RDAP.
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22 As the father of a young daughter, Mr. Holmes recognizes how his
23 addiction has been harmful to his child and others in the community. The
24 use of opiates has exposed his child and others in the community to
25 dangerous drugs nearly causing his child's death.
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1 The distribution of fentanyl has also caused great harm to other
2 people and the death of another young person. Mr. Antoine Holmes has
3 accepted that his distribution of fentanyl caused that death and pain to his
4 family. There is nothing Mr. Holmes can do to change these terrible facts.
5

6 Mr. Antoine Holmes cooperated with officers to do everything he
7 could to assist law enforcement in removing the fentanyl drugs from the
8 community leading to the § 5K 1.1. recommendation. In cooperating with
9 law enforcement, he placed himself and potentially his family open to
10 retaliation from criminal groups inside and outside of prison. He
11 cooperated fully aware of the danger to himself and his family resulting
12 from such cooperation.
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16 It causes Mr. Holmes great emotional pain that he has placed himself
17 in a position and he cannot help those that he loves so dearly. He
18 recognizes that his activities in distributing fentanyl have harmed others.
19 These are factors not normally considered by the sentencing guidelines.
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22 The sentencing court may consider matters “not ordinarily relevant”
23 based upon the broader post-*Booker* discretion to weigh multiple factors.
24 *United States v. Menyweather*, 431 F. 3d. 692 (9th Cir. 2005) approving an
25 eight (8) level departure. A court considering a “just punishment” may
26 consider the offense less serious if the offense was the result of a
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1 disadvantaged upbringing, addiction or mental illness. *Rita v. United*
2 *States*, 127 S. Ct., 2456, 2473 (2007) (Stevens, J. and Ginsburg, J.,
3 concurring) (“The Commission has not developed standards or
4 recommendations that affect sentencing ranges for many individual
5 characteristics. Matters such as age, education, mental or emotional
6 conditioning, medical conditioning (including drug or alcohol addiction),
7 employment history, lack of guidance as a youth, family ties, or military,
8 civil, charitable, or public service are not ordinarily considered under the
9 guidelines. See U.S.S.G. Manual §§5H1.1-6, 11, and 12 (Nov. 2006)
10 These are, however, matters that §3553(a) authorizes a sentencing judge to
11 consider. See e.g., 18 U.S.C. § 3553(a) (1).”)
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16 Mr. Antoine James Holmes recognizes that he faces a mandatory
17 minimum sentence of 20 years, but he requests the court consider the 18
18 U.S.C. § 3553(a) factors to place the defendant upon the lowest sentence
19 possible with a lengthy period of probation. The defendant recognizes the
20 substantial assistance pursuant to § 5K 1.1 allows for a lower sentence than
21 the mandatory minimum. Additionally, he would request that the court
22 recommend he be placed at FCI Herlong, in Herlong, California to better
23 avail himself of programming offered there during his period of
24 incarceration.
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1 Further, Mr. Holmes requests that the court recommend him for the
2 RDAP program or any other drug treatment programs for which he would
3 be eligible. He would also request any occupational programs available
4 through the Bureau of Prisons. The defendant desires to make the period of
5 incarceration as positive of an experience as possible recognizing the
6 seriousness of the charges in this case.
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10 Respectfully submitted this 3rd day of August, 2022
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13 s/Douglas D. Phelps
14 ISB# 4755
15 Phelps & Associates, P.S.
16 Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on August, 3, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Assistant United States Attorney, Michael Ellis

United States Probations Officer, Jennifer Frieling

s/Douglas D. Phelps
WSBA #22620
Phelps & Associates, P.S.
Attorney for Defendant

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT A

Douglas D. Phelps
Attorney at Law
2903 N. Stout Rd.
Spokane, WA 99206-4373
Ph: (509)892-0467; Fax: (509)921-0802
ISBA # 4755

Filed:06/15/2021 14:17:57 MT
First Judicial District, Kootenai County
Jim Brannon, Clerk of the Court
By: Deputy Clerk - Booth, Kathy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,

Plaintiff,

vs.

ANTOINETTE HOLMES,

Defendant.

Case No. CR2018-2574

ORDER TO DISMISS CHARGES
PURSUANT TO WITHHELD
JUDGMENT

The court having reviewed the file, affidavit of Defendant, and motion, finds good cause exists to grant the Defendant's motion for a withheld judgment.

NOW THEREFORE, IT IS THE ORDER OF THE COURT that the matter is dismissed pursuant to the withheld judgment granted August 20, 2018.

IT IS SO ORDERED.

6/11/2021 10:49 AM
DATED.



Honorable Judge

Certificate of Mailing

I hereby certify that on the _____ day of _____, 2021, I caused a true and correct copy of the executed Order to Dismiss Charges Pursuant to Withheld Judgment to be sent to the following parties in the manner indicated:

Kootenai County Prosecutor PO Box 9000 Coeur d'Alene, ID 83816	U.S. Mail, postage prepaid Overnight Delivery Email Facsimile 208-446-2168 Courier Hand Delivery Other (specify) <input checked="" type="checkbox"/> email kepaicourts@kegov.us
Phelps & Associates, P.S. 2903 North Stout Spokane, WA 99206 Attorney for the Defendant.	U.S. Mail, postage prepaid Overnight Delivery Email Facsimile 509-921-0802 Courier Hand Delivery Other (specify) <input checked="" type="checkbox"/> email phelps@phelpsllaw.com pegia@phelpsllaw.com

6/15/2021 01:18 PM

By


Deputy Clerk

EXHIBIT B

Filed: 06/14/2022 09:36:12
First Judicial District, Bonner County
Michael W Rosedale, Clerk of the Court
By: Deputy Clerk - Mattila, Laurie

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE
STATE OF IDAHO. IN AND FOR THE COUNTY OF BONNER

STATE OF IDAHO,

Plaintiff,

v.

ANTOINETTE HOLMES,

Defendant.

)
) Case No. CR09-21-0585
)
)

) ORDER TO DISMISS
)
)
)

Pursuant to the Motion filed by the Deputy Prosecuting Attorney for Bonner County,
Idaho, and the Court being advised in the premises, now therefore:

IT IS HEREBY ORDERED that the above-entitled matter be, and the same is hereby,
dismissed with prejudice.

IT IS FURTHER ORDERED that all pending hearings are vacated, any bond exonerated,
any warrants quashed, and any No Contact Orders dismissed.

DATED: 6/13/2022 04:51 PM


MAGISTRATE COURT JUDGE

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing instrument was either mailed or emailed to:

Bonner County Prosecutor's Office
127 S. First Ave
Sandpoint, ID 83864
prosefile@bonnercountyid.gov

Antoinne Holmes
7621 N Leclecc
Cusick WA 99119

CLERK

EXHIBIT C

January 12, 2022

Letter of Support for Antoine-James: Holmes

My wife Shannon Holmes and myself Robert-Eugene: Holmes are Grandparents of Antoine-James: Holmes.

Antoine-James is our first grandchild which we spent a lot of time with growing up. He has a very large number of family members in and around where he grew up at Cusick, Washington. In addition to the immediate family there is a large number of extended family who also live in this area. He was a good student, played sports from T-ball through high school, very loving, helpful and compassionate.

Antoine-James suffered numerous serious injuries due to falling from a 18 foot high roof onto solid concrete walkway in July of 2016. To the best of my recollection he fractured his skull in a number of places, broken hip and ribs. He went through multiple surgeries. During this process Antoine-James was administered some very strong and addictive pain medications. We believe this and his young age of 17 years, not having a lot of life experience could have been a contributing factor to the poor decisions and pathway he chose to follow. He is missed by all including his four siblings.

We as Grandparents understand Antoine-James has made some very bad decisions, but we also believe him and many others are victims of the societal brake down in this country. It is very difficult world for our children to grow up in with all the drugs being introduced to them legal and illegal.

We are saddened by what has taken place to all involved, we also recognize that blame normally lies in more than one person.

Antoine-James is the father of a daughter born September 30, 2021 which is our first great-grandchild. He is loved very much by his family, extended family and a lot of people in the community. There are a lot of us at one time or another make poor decisions. We will stand by him and help him navigate the adult world. He is a good person who chose a wrong path. He understands his chosen path was very destructive, and wants to turn his life around. Our hope for him is to be a positive contribution to his family and society. We hope this letter will be taken into consideration for any decisions made by the Court. Thank you for your time.

Robert-Eugene: Holmes
Robert-Eugene: Holmes

Shannon Holmes
Shannon Holmes
Grandparents

Dear Judge,

I would like to start this letter by stating in no way do I condone the actions of my son or agree with some of the choices he has made over the last several years. With that being said I would like to tell you about him. My son is Antoine Holmes. Growing up he was the happiest, most outgoing, fun loving, intelligent, kind and caring little boy. He carried these traits into his young teen years. He was a good student and a stand out athlete. He played every sport and excelled at basketball and baseball. He was chosen every summer for all-star baseball and his sophomore year of high school he had the game ending buzzer beater shot that won the game and sent the team to state. He is a very kind soul and loves his peers and family very much. He would do anything for anyone if they were in need. All of this changed July 21, 2016 when he had a traumatic injury. Antoine fell over 20ft from a roof trying to save his friend from falling. Antoine fell to concrete and was life flighted to Sacred Heart hospital in Spokane, WA. He had life threatening injuries to his head, shattered his right hip socket, his right eye socket, separated his pelvic from his spine and had internal bleeding. We were told our son most likely would not make it but by the grace of God he finally became stable enough to operate. The head injury has had a lasting effect on his memory, thought process and thinking. After a month and a half between the hospital, multiple surgeries and rehabilitation he finally came home but not as himself. During this time the ugly addiction took over my 17 year old son and our lives have been forever changed. I remember walking into his hospital room one day and the nurse telling me we have a problem. She stated he was refusing his pain medication. My son looked at me crying and said "Mom, I don't want to become an addict." It broke my heart and I will never forget those words or that day. The nurse stated we need to manage his pain and I told her to let him make that decision. At some point they no longer gave him a cup with the opiates, they started a drip in an IV. My son has struggled with addiction the last 5 years since coming home. I know the use of the opiates with the brain injury has caused him to make decisions he never would have made. Antoine is not a bad kid or a bad person. He is a very charming and loving son, brother, grandson and now a father. He is loved by so many and he has a huge family and support system to come home to help him live a productive life. I have watched him struggle and try to beat this addiction. I've watched him cry and apologize for putting his family through it. For a moment in 2018 he was doing well until the friend he saved on the roof committed suicide the day before Antoine's birthday. They weren't just

friends, they were like brothers and had grown up together since birth. My son did not know how to cope and I watched him slip back down that dark path of addiction. We all know Antoine has consequences from his actions that he needs to face but we are asking that he can get the help he needs to have a future. Antoine has 7 brothers and sisters that adore him and now a 5 month old daughter he has never met. I do believe his arrest and jail time has saved his life and for the first time in 5 years he is thinking with a clear mind and is focused on finishing his time and being productive so he can come home to his family and raise his daughter. I am asking for some mercy and not have my son's life lost to the system. I am asking that he can get some help and treatment so he can come home to his family. Thank you for taking time to read my letter. God bless.

Thank you,
Holly Baldwin
Mother of Antoine Holmes

Your Honor,

Antoinne Holmes is my first born grandchild. He is a kind, loving, thoughtful, happy person that has been sucked into addiction. Antoinne became addicted to opioids during recovery after a traumatic injury July 2016. He fell from the roof of the pavilion at the Kalispel pow wow grounds. He was lifeflighted to Sacred Heart and was not expected to live. He had numerous skull fractures as well as a crushed hip and broken pelvic. Antoinne went through several surgeries and during that time was given morphine and dilaudid. He became addicted.

During Antoinne's incarceration I have witnessed healing in him. He is returning to the healthy young man he once was. He has also become a father while there. He has a beautiful little girl he adores. He speaks of the future and how he wants to be the best dad he can to Khloe. He wants to learn a trade so he can provide for his family when he is released. It is my prayer Antoinne is rehabilitated while serving his time and returns to us healthy, physically and mentally.

I ask you to consider a rehabilitation program for Antoinne while serving his sentence. I believe it is in Antoinne's best interest as well as everyone involved.

Thank you for taking the time to read this and your consideration.

Sincerely,

Lynnette Elswick

Paige Holmes
7623 LeClerc Rd N
Cusick, WA
06 March 2022

My name is Paige Holmes and Antoine Holmes is my brother. When we were younger, Antoine was my best friend and I always wanted to be around him. No matter what he was doing or who he was with I wanted to tag along. Antoine has always been a person you'd want to be around. He's outgoing, he's funny, he's very smart and caring and so much more. Watching my brother become an addict and fall into addiction was one of the hardest things my family and I have gone through. I missed and still do miss my older brother immensely. Even if I was still able to see him physically, he wasn't him. Of course he still loved and cared for me and the people around him, but his addiction was powerful. Being close to someone going through addiction is similar to grieving them, except they haven't passed away. They're here physically but not mentally/spiritually. Antoine has cried multiple times about wanting help and to get out of the cycle etc; so I'm really glad to see him doing better. He also has a daughter now and after seeing her, he's said he's never going back to his old ways and he just wants to be with her and take care of her and love her etc. Antoine has also always been amazing with kids so him being a dad now fits him. I miss my brother so much and can't wait to spend time with him again and talk for hours and just hug him. He's the best big brother I could ask for and he's always there for me no matter what. He's an amazing person with a huge loving heart and anyone that takes the time to get to know him can easily see it.

Mateo Holmes
03/07/2022
7623 LeClerc rd N.

My name is Mateo Holmes and I am Antoinnes's younger brother. These past few years have definitely had an impact on my life. Seeing someone who went from being the amazing older brother who I looked up to and followed after turning into an addict is heart breaking. I miss the brother that would play with me, take care of me, and most importantly make time to show that he loved me. Even after becoming an addict, he never lost the kind heart he has. He always did love his family over everything and he made sure that we all knew. I always knew I could count on him for anything. He cancelled plans with friends and went out of his way to do something with us. However one night, he made poor decisions that almost killed him. After he fell 22 feet onto concrete, he was rushed to the hospital where we were told he may not make it. The next morning we went in to see our brother in terrible condition being kept alive by machines. I will never forget hearing him speak with that tremble in his voice while he layed scared in the hospital bed. We went in almost everyday to go see him and everything was going fine with his recovery. But then one day they told us that we should have him on pain medication. I remember my brother crying and telling them and my mom over and over that he doesn't want to become an addict. He was terrified of becoming an addict after taking the meds. The doctor decided it was best for him and put him on them anyway. A few months later my brother was in physical therapy and was on his way to becoming the brother I had always known and loved. After he was out of the hospital, he was doing great and was grateful for his life being saved. Eventually though the feeling of being on the pain medication became a must for him. He slowly started to show up less and we never knew where he was. This was weird but I didn't think much of it. Month by month he showed up less and less. I was sad most nights as I always

thought he walk in through the door and stay the night with us so we could just talk. He stopped responding to my texts and calls and I barely saw him. And I remember hearing about his addiction and then eventually I could see the difference with the brother I used to have and the brother that was shut out by drugs. It was very depressing to see the brother I looked up to so dearly, become the type of person I hated most but no matter what, I loved him and cared for him and that never changed. Although he was an addict he still would make time to bring me into town or play games with me. Then one day I saw a turn for the worst and for awhile he only cared about drugs. However once he his girlfriend became pregnant, he changed a little bit but then was caught and brought to jail and has been there since. He now is doing a lot better and always remembers to call us. His daughter is with us often and we show him to her and he always has a smile on his face. I just want my brother back and I know through this, he will become whole again.

March 7, 2022

RE: Antoine Holmes

To whom it may concern,

I am writing to you in hopes of providing a little of my perspective regarding my nephew, Antoine Holmes. As a young kid, Antoine was always the kid that had a heart to do the right thing, especially looking out for friends, his siblings, and younger cousins. He was the protector. His athleticism and charm won him the admiration of many of the young kids in the community, earning himself a spot with the older crowd. As he got into his late teen years, I never realized how deep the negative influences had taken root in his life. Looking back now, I can see his actions and decisions in the past few years were largely attributed to his substance abuse and addictions. That is not the nephew, son, older brother, and cousin we know and love. The family is very broken over his actions and subsequent incarceration. I feel he would benefit greatly from a drug rehab or diversion program while incarcerated. We hope to have him back in our lives, healthy, clean of drugs, and learning to be a positive parent to his child. We love him and pray the best outcome for him possible.

Thank you for your attention and allowing me to share my thoughts with you regarding Antoine.

Sincerely,

A handwritten signature in cursive script that reads "Damon Holmes". The signature is written in dark ink and is positioned below the word "Sincerely,".

To whom it may concern,

My intent in writing this letter, regarding Antoine Holmes, is to express my heartfelt opinion and hopes for him. Antoine is our oldest nephew on my husband side. When he was younger he was very close with our children and our extended family. Our son was especially close with him and looked up to him greatly. When Antoine had his life-changing fall and injuries, we were all terrified of losing him. Thankfully, with the skilled help of physicians and hospital care he was able to recover physically, for the most part. Unfortunately, it seemed to progress onto a trail of addiction and other unhealthy choices. With the combination of his fall and early childhood struggles, I feel he began to slip on to an unhealthy path, without our family realizing to what extent. Looking back, I wonder how much I could have recognized or been aware of in his life and known how to help him.

He is so important to our family. My children miss the cousin they had before addiction to alcohol. I believe he wants more out of life.

My hope, for him, is that he is able to learn how to understand his addiction and choices. So that he has a chance to thrive.

Thank you,

Sarah Holmes

your Honor, and others to which this letter pertains.

I am writing this letter in regard of my stepson Antoine Holmes in his upcoming court hearing. My family connection to him makes me slightly biased, however I believe that I am a good judge of character and would like to express my support of him. I used to work as a chemical dependency counselor and victims of crime advocate. Since he has been incarcerated, I have spent a lot of time thinking about Antoine's life and the road that has brought him to this point. There is no denying there has been choices, but I have also considered the things that have led him to these choices.

I met Antoine when he was almost 8 years old. Although he was struggling emotionally with his parent's divorce, he was a wonderful kid. It would narrow minded for me not to acknowledge that he had a few setbacks in his youth. They were normal setbacks for a child struggling with the divorce of his parents, having new half-siblings, and growing up in a world that is rapidly opening up lines of communication and information (ie facebook, youtube, etc) without caring about maturity or personal connection. Even in those struggles, he was thoughtful, kind, and a responsible older brother. He has a wonderful charisma about him and a stubborn strength. Over the years he has supported his friends and siblings, offering what he could to make their lives better.

Even though Antoine had normal struggles for his age and situation, things took a turn for the worst when he almost lost his life in 2016. We were told that he may not survive. When he did, it was a long road of recovery. Pain Medications are a norm for that level of breakage. He has a rod in his hip and a plate in his face. I remember specifically his fear of morphine and addiction, and during that time all his family were trying to support him through the initial days of pain. We all wanted him to have some comfort. We believed in medicine and necessity of pain management for healing. He was terrified of being left alone at the hospital and looking back now I believe he was struggling from some form of PTSD. I think the truth is that he has been an addict since that time. He has also struggled with loneliness, depression, addiction, PTSD and I worry about a possible brain injury. His fall was significant, and he has the hardware in his face to prove it.

They say Hindsight is 20/20, and I wish we would have noticed the signs of addiction earlier. I wish we would have demanded brain scans to review the functioning of his frontal lobe (thus decision-making skills) and other possible areas of damage and what that could mean. He has struggled with memory loss, and concentration issues that have been prevalent since his fall. I believe we were all so happy to have the chance to have him back, that we missed the million small signs that he was slipping away into an addiction that he could not climb out of. We could not see the forest for the trees.

Antoine is now a young father. I believe this is the longest time he has had clean and sober since his fall. I have seen growth in his mindset while he has been incarcerated and I hope he continues growing. I hope he gets a chance to live his life to the fullest. I hope he gets the chance to be a father and the kind, supportive adult he could be.

I appreciated the opportunity to share my thoughts with you.

Thank you for your time and consideration,

Antoine Holmes

March 1, 2022

To whom it may concern,

My name is Gail Le Bret, I am the grandmother of Antoine Holmes. Antoine was my first grandchild, and I spent a lot of time with him in his first few years and we developed a very strong bond. One thing that was apparent right from the start was that he kind of acted like an older person in a young body. He was always very kind and polite, but also extremely considerate of others and their feelings even at a young age.

Antoine had a tough time when his parents divorced especially being the oldest child of 3 at the time and tried to carry some of that, but still was a great caring, charismatic kid who was extremely talented in sports. In 2016 Antoine had a major accident. He fell from a roof almost 30 feet and landed headfirst on the concrete. The doctors said they didn't think he would survive through the night. Antoine had 3 fractures in his face/head and ruptured his sinuses. He needed a plate inserted and multiple surgeries to fix and stabilize him. Antoine also severed his hips from his spine and had multiple surgeries to fix that as well as rehab. Antoine was in tremendous pain and it was so hard for me to see him like that but fortunately/unfortunately they put him on numerous high-powered pain medication and he was able to somewhat cope, although he was still hurting.

A few weeks after he was released and doing therapy I started to notice small changes in Antoine's behavior. I wondered if the fall could have impacted his brain to some degree, his decision making and impulse behavior and his memory just seemed different. I also noticed he was still using some of his meds and I was worried about addiction, but they were prescribed by a doctor so I thought it was fine. Months later I think I started to realize he had a problem. I want my grandson back, and he recently had a daughter and I want to watch him raise her. We have talked on the phone and through video chat and he looks so much better and he's sober now and sounds like he's seen what addiction has caused and wants another shot at life. Please remember he is a grandson, a son, a brother, an uncle and a father. Please give him a second chance. Thank you for your time and consideration for my family.

Sincerely,

Gail Le Bret

To whom it may concern:

My name is Curt Holmes, I am Antoine Holmes father and I am the General Manager of Public and Government Affairs for the Kalispel Tribe of Indians. I also currently serve in an elected position as Vice Chairman of the Kalispel Tribe.

Antoine was my first born child of 5 children, 4 boys, one girl. Having Antoine was one of the things that changed the way I looked at the world and began me on my current career path. Antoine was one of the sweetest children you could ever meet.

He was kind, polite, thoughtful. Many people that met him commented that he was a old soul in a young body. Antoine was an exceptional athlete and was phenomenal at baseball, football, basketball, basically anything he decided to try.

July of 2016 was a turning point in my son's life. Antoine fell over 20 feet off a roof onto the concrete mostly headfirst. I arrived on the scene to see him laying in blood and he looked up at me as I said his name and tried to talk and all I heard was blood gurgling. He was life flighted to Sacred Heart and a few hours after his arrival a doctor came out to inform me there was severe brain swelling and they weren't sure he was going to make it through the night. Miraculously he survived the night but would stay at Sacred Heart for nearly a month having multiple surgeries as he has many head and face fractures, and his pelvis has separated from his spine along with many other injuries. It was the hardest thing I have ever been a part of, watching my son in excruciating pain and from one major surgery to the next. After our month long stay at Sacred Heart, we went to St. Lukes Rehabilitation Center for another few weeks.

Antoine was given so many high- powered pain meds and was addicted probably before we had even left the hospital. Pain medication has become an epidemic and we need to try to focus on treatment and cognitive behavioral therapy. Just focusing on incarceration has not worked as history has shown us. Antoine has made bad decisions and I know there must be consequences. I'm asking you to remember he is someone's child, he is someone's grandchild, he is a brother, an uncle a nephew and most recently, he is a new father to an adorable 14 week old daughter.

Antoine is young enough that he still has a chance to get his life back, to be a productive member of society and to be a good father to his newborn daughter.

I have been talking to Antoine regularly and have had his brothers and sister and grandmother etc talking to him, I believe this is the longest Antoine has been clean and sober since he was 16 years old. I hear the words he is using, I'm seeing him recognize the path his addiction was taking him on, and I believe he wants and deserves a second chance. Thank you for your time and consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Curt Holmes". The signature is written in a cursive, somewhat stylized font.

Curt Holmes Vice Chairman Kalispel Tribe of Indians

Your Honor, and others to which this letter pertains.

I am writing this letter in regard of my stepson Antoine Holmes in his upcoming court hearing. My family connection to him makes me slightly biased, however I believe that I am a good judge of character and would like to express my support of him. I used to work as a chemical dependency counselor and victims of crime advocate. Since he has been incarcerated, I have spent a lot of time thinking about Antoine's life and the road that has brought him to this point. There is no denying there has been choices, but I have also considered the things that have led him to these choices.

I met Antoine when he was almost 8 years old. Although he was struggling emotionally with his parent's divorce, he was a wonderful kid. It would narrow minded for me not to acknowledge that he had a few setbacks in his youth. They were normal setbacks for a child struggling with the divorce of his parents, having new half-siblings, and growing up in a world that is rapidly opening up lines of communication and information (ie facebook, youtube, etc) without caring about maturity or personal connection. Even in those struggles, he was thoughtful, kind, and a responsible older brother. He has a wonderful charisma about him and a stubborn strength. Over the years he has supported his friends and siblings, offering what he could to make their lives better.

Even though Antoine had normal struggles for his age and situation, things took a turn for the worst when he almost lost his life in 2016. We were told that he may not survive. When he did, it was a long road of recovery. Pain Medications are a norm for that level of breakage. He has a rod in his hip and a plate in his face. I remember specifically his fear of morphine and addiction, and during that time all his family were trying to support him through the initial days of pain. We all wanted him to have some comfort. We believed in medicine and necessity of pain management for healing. He was terrified of being left alone at the hospital and looking back now I believe he was struggling from some form of PTSD. I think the truth is that he has been an addict since that time. He has also struggled with loneliness, depression, addiction, PTSD and I worry about a possible brain injury. His fall was significant, and he has the hardware in his face to prove it.

They say Hindsight is 20/20, and I wish we would have noticed the signs of addiction earlier. I wish we would have demanded brain scans to review the functioning of his frontal lobe (thus decision-making skills) and other possible areas of damage and what that could mean. He has struggled with memory loss, and concentration issues that have been prevalent since his fall. I believe we were all so happy to have the chance to have him back, that we missed the million small signs that he was slipping away into an addiction that he could not climb out of. We could not see the forest for the trees.

Antoine is now a young father. I believe this is the longest time he has had clean and sober since his fall. I have seen growth in his mindset while he has been incarcerated and I hope he continues growing. I hope he gets a chance to live his life to the fullest. I hope he gets the chance to be a father and the kind, supportive adult he could be.

I appreciated the opportunity to share my thoughts with you.

Thank you for your time and consideration,

Antoine Holmes